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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,053	09/27/2001	Guillermo Ruizandrade	3COM-3654.BCG.US.P	4917

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EXAMINER

AMSBURY, WAYNE P

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/967,053

Applicant(s)

RUIZANDRADE, GUILLERMO

Examiner

Wayne Amsbury

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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CLAIMS 1-24 ARE PENDING

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ecklund, US 4,853,843, 01 August 1989.

Ecklund is directed to management of versioned objects in distributed databases and teaches the invention essentially as claimed with the caveat that it is not explicitly addressed to data objects that are "software products." However, the name of data is a nonfunctional descriptive label, which cannot render nonobvious an invention that would have otherwise been obvious. [See MPEP 2106 VI (Pages 2100-22).] The application data objects of Ecklund include those such as computer-aided software engineering [COL 13 lines 64-68], and it is considered that this inherently teaches that the objects of Ecklund may be software objects.

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In the alternative that Ecklund does not anticipate the invention as claimed:

It would have been obvious to one of ordinary skill in the art at the time of the invention to use software products as versioned objects in a computer-aided software engineering environment because such objects are developed and updated over time, and in Ecklund by a plurality of clients.

As to **claim 1**, Ecklund uses the term "user" and "client" interchangeably [COL 6 lines 26-28]. The operations associated with management of the databases of objects are embodied in a server layer [FIG 1; COL 5 lines 3-6 and elsewhere]. Ecklund is directed to versioned objects [ABSTRACT; FIG 6C, 9; STRUCTURE OF THE STORAGE MODEL COL 7 and after]. Each object is associated with one or more directories, which must be traversed to locate them [SUMMARY, COL 3 lines 63-68 and after]. Updating is addressed throughout Ecklund, as this is what creates versions. [See in particular, COL 7 line 66 and after.] The tracking of versions is "chronological", referred to in Ecklund as "temporal" [COL 8 lines 2-4 and elsewhere]. Ensuring that the paths to objects will be available to a plurality of clients is further addressed in terms of mapping a name to an object [OBJECT NAMING, COL 8 and elsewhere].

As to **claim 2**, REPLICATION OF DATA [COL 20] is directed to making a new version visible to the clients. See in particular FIG 9 and the discussion at COL 22 line 22 and after.

As to **claims 3-4**, the federation aspect of Ecklund supports the creation of paths for versions and allows clients to access them [FEDERATIONS, COL 6]. In particular note lines 43-45. The mapping noted above also provides paths and the map (in the form of a tree) is clearly embodied in a file [OBJECT NAMING, COL 8].

As to **claim 5**, FIG 6C depicts a plurality of tree structures for a plurality of objects. The project objects of a plurality of project teams within a CAE environment in which copies of a distributed database are independently updated [COL 3 lines 51-55 and elsewhere] correspond to a plurality of sub-projects, since the teams act at least in part independently.

As to **claim 6**, the user application layer [FIG 1 and elsewhere] includes a graphics editor [COL 4 line 62 to COL 5 line 29]. In the alternative that this does not inherently imply that the version tree would be displayed, **It would have been obvious** to one of ordinary skill in the art at the time of the invention to include a visual representation of the version tree in order to visually track the evolution of the configuration of a project [COL 5 lines 23-26].

As to **claim 7**, In the alternative that the GUI of a workstation is not to be used to select a version, **It would have been obvious** to one of ordinary skill in the art at the time of the invention to use the GUI to select a version for updating because of the efficiency of using a mouse to select items from a set such as a tree of versions.

As to **claims 8-9**, Ecklund explicitly teaches the use of multiple LANs [COL 5 line 36 and after] for a federated database, but connects them together with an Ethernet.

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Since the priority date of 18 December 1987, the use of the Internet for connecting LANs has exploded, at least in part because of its utility, efficiency, and cost. In the alternative that a plurality of LANs would not be connected through the Internet at the time of the invention, **It would have been obvious** to one of ordinary skill in the art at the time of the invention to provide for Internet connection between LANs because of these factors and the usefulness of the Internet to connect widely scattered sites.


The elements of **claims 10-24** are rejected in the analysis above, and these claims are rejected on that basis.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 703-305-3828. The examiner can normally be reached on M-TH 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER